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MV TRANSPORTATION, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TONIE ROBINSON, individually,

Plaintiff,

v.

MV TRANSPORTATION, INC.; DOE BUS
OPERATOR; DOE BUS DRIVER; DOES I-
X, and ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No. 2:17-cv-01491-RFB-PAL

**STIPULATION AND REQUEST TO
EXTEND DISCOVERY DEADLINE
(FOURTH REQUEST)**

Trial Date: None Set

In accordance with the Federal Rules of Civil Procedure and Local Rule 26-4, Plaintiff Tonie Robinson ("Plaintiff") and Defendant MV Transportation, Inc. ("MV") hereby stipulate and agree to and jointly move this Honorable Court for an Order extending the discovery cut-off by forty-six (46) days until June 26, 2018 for the sole purpose of taking the depositions of Plaintiff's Expert, Dr. Jason Garber, and extending the dispositive motion deadline as follows:

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I. STATEMENT OF FACTS

This case arises out of an alleged incident that occurred on November 2, 2015, while Plaintiff was a passenger of a bus operated by MV. According to the Complaint, Plaintiff Tonie Robinson, was a passenger on a bus and sustained injuries as a result of the bus driver failing to properly secure her three-wheel motorized scooter prior to driving and making an erratic turn at an unsafe speed, causing Plaintiff to fall out of her chair onto the floor.

After the matter was removed to federal court, the parties engaged in an FRCP 26 conference with timely submission of a joint proposed scheduling order that complied with the rules. Due to the extensive medical treatment and disclosure of significant pre-existing conditions by Plaintiff, the parties stipulated to extend discovery on September 21, 2017. As a result of this initial stipulation, significant progress towards completing discovery in this matter has occurred. The parties again stipulated to extend discovery on February 2, 2018 in light of expert unavailability, newly disclosed witness depositions, and the necessity of obtaining records for newly disclosed medical providers.

The parties have been working together and coordinating discovery requests to ensure all discovery is timely completed. However, Plaintiff recently communicated that her treating physician and expert, Dr. Garber had a family emergency and would not be able to attend his noticed March 8, 2018 deposition. Dr. Garber also indicated that he did not have availability until May 2018 for his deposition. As a result, the parties requested an extension of the deadline by forty-five (45) days until May 11, 2018. Recently the Parties were advised that Dr. Garber will not be available for deposition until June 26, 2018. As a result, the parties request an extension of the deadline by forty-six (46) days until June 26, 2018 for the limited purpose of taking Dr. Garber's deposition.

II. DISCOVERY COMPLETED:

The parties have been able to complete a significant amount of discovery to date. In this time period, the parties have participated in the Early Case Conference pursuant to FRCP 26. After discovery opened, each side began to deposit their disclosures. As to Rule 26 disclosures:

PARTY	DISCLOSURE	DATE SERVED
Plaintiff	Initial	August 21, 2017

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1		1 st Supplement	September 13, 2017
2		2 nd Supplement	December 15, 2017
3	Defendant	Initial	August 11, 2017
4		1 st Supplement	October 6, 2017
5		2 nd Supplement	October 13, 2017
6		3 rd Supplement	October 17, 2017
7		4 th Supplement	December 1, 2017
8		5 th Supplement	December 21, 2017
9		6 th Supplement	January 12, 2018
10		7 th Supplement	January 18, 2018
11		8 th Supplement	January 18, 2018
12		9 th Supplement	January 25, 2018
13		10 th Supplement	February 21, 2018
14		11 th Supplement	February 27, 2018

The parties have also been able to make considerable progress with respect to written discovery:

PROPOUNDED BY	DATE SERVED	DOCUMENT	PROPOUNDED UPON	DATE RESPONDED
Plaintiff	August 8, 2017	First Set of Interrogatories	Defendant	September 14, 2017
	August 8, 2017	First Set of Request for Production of Documents	Defendant	September 14, 2017
Defendant	August 11, 2017	First Set of Interrogatories	Plaintiff	September 14, 2017
	August 11, 2017	First Set of Request for Production of Documents	Plaintiff	September 14, 2017

	August 11, 2017	First Set of Request for Admissions	Plaintiff	September 13, 2017
	September 28, 2017	Second Set of Request for Production of Documents	Plaintiff	November 6, 2017
	November 9, 2017	Third Set of Request for Production of Documents	Plaintiff	December 12, 2017
	January 18, 2018	Fourth Set of Request for Production for Documents	Plaintiff	February 12, 2018

The parties have also complied with expert disclosure deadlines:

PARTY	DISCLOSURE	DATE SERVED
Plaintiff	Initial	August 29, 2017
Defendant	Initial	September 28, 2017
	1 st Supplement	November 27, 2017
	2 nd Supplement	December 4, 2017

The parties have also completed and/or scheduled numerous depositions:

DEPONENT	DATE OF DEPOSITION
Tonie Robinson (Plaintiff)	January 11, 2018
Kirby Ossowski (witness)	January 26, 2017
MV Transportation, Inc.'s FRCP 30(b)(6) (Defendant)	February 13, 2018
Dr. Lanzkowsky (Plaintiff's expert)	March 14, 2018
George Spears (witness)	March 19, 2018
Dr. Garber (Plaintiff's expert)	May 10, 2018

1 **III. DISCOVERY THAT REMAINS TO BE COMPLETED:**

2 The depositions of Dr. Lanzkowsky is currently set for March 14, 2018 and George Spears is
3 set for March 19, 2018.

4 The parties request the discovery cut-off be extended by forty-six (46) days until June 26, 2018
5 for the limited purpose of completing the deposition Plaintiff's expert Dr. Garber.

6 This recitation of discovery to be completed is intended to be limiting and is set forth to advise
7 the Court of remaining discovery.

8 **IV. THE REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN THE**
9 **TIME LIMITS SET BY THE DISCOVERY PLAN:**

10 The parties are actively working together to complete discovery in this case in accordance with
11 the current discovery schedule. As referenced above, substantial discovery has been completed to
12 date. However, it has come to the parties attention that Plaintiff's expert Dr. Garber, due to limited
13 availability, will not be available until after the current deadline for discovery. The parties ask the
14 discovery cut-off deadline be extended by forty-six (46) days until June 26, 2018 for the sole purpose
15 of completing Dr. Garber's deposition.

16 **III. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING**
17 **DISCOVERY:**

<i>Event</i>	<i>Current Schedule</i>	<i>Proposed Schedule</i>
Discovery Cut-off	May 11, 2018	June 26, 2018 (for the sole purpose of taking Dr. Garber's deposition)
Dispositive Motions	June 11, 2018	July 26, 2018
Trial Order	July 13, 2018	August 27, 2018

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1 **IT IS SO STIPULATED.**

2 Dated: March 15, 2018

Dated: March 15, 2018

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4 **WOOD, SMITH, HENNING
& BERMAN, LLP**

RICHARD HARRIS LAW FIRM

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6 By: /s/ Brooke A. Bohlke

By: /s/ Johnathan Leavitt

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Tonie Robinson*

11 *Attorneys for Defendant,
12 MV Transportation, Inc.*

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14 Upon Stipulation of counsel and good cause appearing, the extension of the discovery cut-off
15 by forty-six (46) days until June 26, 2018 for the sole purpose of taking the deposition of Plaintiff's
16 expert, Dr. Garber and extending the dispositive motion deadline is granted as follows:

<i>Event</i>	<i>Current Schedule</i>	<i>Proposed Schedule</i>
Discovery Cut-off	May 11, 2018	June 26, 2018
Dispositive Motions	June 11, 2018	July 26, 2018
Trial Order	July 13, 2018	August 27, 2018

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20 **IT IS SO ORDERED**

21 DATED: this 21 day of March, 2018.


UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of March 2018, a true and correct copy of **STIPULATION AND REQUEST TO EXTEND DISCOVERY DEADLINES (FOURTH REQUEST)** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Raeann M. Todd

Raeann M. Todd, An Employee of
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